

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.66 OF 2005

Maharashtra State Basketball
Association

Petitioner

versus

Basketball Federation of India
and others

Respondents

Mr.Shyam Diwan with Mr.Prashant Bhagwati i/by
V.S.Kapse for petitioner.

Mr.Niranjan Pandit i/by G.V.Aiman for R-1.

Mr.Danzil D'Mello, AGP for respondent no.2.

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 16th March 2005

PC :

1. Heard Mr.Diwan in support of this petition.
Mr.Pandit appears for respondent no.1 who is the
contesting party. The main grievance in this
petition is that though Mr.Dhus, who has affirmed
this petition, claims to represent the petitioner
Association, according to respondent no.1 he is
not permitted to represent the petitioner
Association. The prayer in the petition is that
the petitioner Association is disaffiliated and

that decision be set aside.

2. It is stated on an affidavit by one Mr.Sharma, Secretary General of the Federal Body in para no.11 that the State of Maharashtra continues to be affiliated with respondent no.1 Federation. Mr.Pandit has further stated that by State of Maharashtra Unit he means Maharashtra State Basketball Association. He has, however, stated the view of the Federal Body that the committee headed by Mr.Dhas does not represent State Association but one headed by Mr.Shanbag. Mr.Diwan has submitted that such a decision has not been arrived at after a notice or opportunity was given to Mr.Dhas. Mr.Pandit relies upon Minutes of Meeting held on 1st January 2005 wherein the impugned decision was taken. However, in deference to the suggestion from the Court and without prejudice to the correctness of the earlier meeting, he submits that respondent no.1 will give one more notice to Mr.Dhas as well as to Mr.Shanbag and to other members of the Committee and all of them will be called to a meeting of the first respondent Federation. In that meeting after giving an opportunity to all concerned appropriate decision will be taken as to whether Mr.Dhas represents the petitioner

Association or Mr. Shanbag represents. Mr. Diwan is agreeable to this course of action. We, therefore, permit respondent no.1 Federation to hold a meeting and to arrive at a decision. The reasons in support of the decision will be reflected in the minutes of meeting. Necessary meeting will be called within six weeks during which period the communications of first respondent Federation will continue to be sent to Mr. Shanbag as well as to Mr. Dhas. It will be open to Mr. Dhas and Mr. Shanbag to make their representation before first respondent Federation Body. Petition disposed off.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)